

AN ACT

relating to meetings, elections, and records of certain property owners' associations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 209.003, Property Code, is amended by adding Subsection (e) to read as follows:

(e) The following provisions of this chapter do not apply to a property owners' association that is a mixed-use master association that existed before January 1, 1974, and that does not have the authority under a dedicatory instrument or other governing document to impose fines:

(1) Section 209.005(c);

(2) Section 209.0056;

(3) Section 209.0057;

(4) Section 209.0058; and

(5) Section 209.00592.

SECTION 2. Section 209.005, Property Code, is amended to read as follows:

Sec. 209.005. ASSOCIATION RECORDS. (a) Except as provided by Subsection (b), this section applies to all property owners' associations and controls over other law not specifically applicable to a property owners' association.

(b) This section does not apply to a property owners' association that is subject to Chapter 552, Government Code, by

1 application of Section 552.0036, Government Code.

2 (c) Notwithstanding a provision in a dedicatory instrument,  
 3 a [A] property owners' association shall make the books and records  
 4 of the association, including financial records, open to and  
 5 reasonably available for examination by [te] an owner, or a person  
 6 designated in a writing signed by the owner as the owner's agent,  
 7 attorney, or certified public accountant, in accordance with this  
 8 section. An owner is entitled to obtain from the association copies  
 9 of information contained in the books and records [Section B,  
 10 Article 2.23, Texas Non-Profit Corporation Act (Article 1396-2.23,  
 11 Vernon's Texas Civil Statutes)].

12 (d) Except as provided by this subsection, an [(a-1) A  
 13 property owners' association described by Section 552.0036(2),  
 14 Government Code, shall make the books and records of the  
 15 association, including financial records, reasonably available to  
 16 any person requesting access to the books or records in accordance  
 17 with Chapter 552, Government Code. Subsection (a) does not apply to  
 18 a property owners' association to which this subsection applies.

19 [(b) An] attorney's files and records relating to the  
 20 property owners' association, excluding invoices requested by an  
 21 owner under Section 209.008(d), are not[+

22 [(1)] records of the association and are not[+

23 [(2)] subject to inspection by the owner[+] or

24 [(3) subject to] production in a legal proceeding. If  
 25 a document in an attorney's files and records relating to the  
 26 association would be responsive to a legally authorized request to  
 27 inspect or copy association documents, the document shall be

1 produced by using the copy from the attorney's files and records if  
2 the association has not maintained a separate copy of the document.  
3 This subsection does not require production of a document that  
4 constitutes attorney work product or that is privileged as an  
5 attorney-client communication.

6 (e) An owner or the owner's authorized representative  
7 described by Subsection (c) must submit a written request for  
8 access or information under Subsection (c) by certified mail, with  
9 sufficient detail describing the property owners' association's  
10 books and records requested, to the mailing address of the  
11 association or authorized representative as reflected on the most  
12 current management certificate filed under Section 209.004. The  
13 request must contain an election either to inspect the books and  
14 records before obtaining copies or to have the property owners'  
15 association forward copies of the requested books and records and:

16 (1) if an inspection is requested, the association, on  
17 or before the 10th business day after the date the association  
18 receives the request, shall send written notice of dates during  
19 normal business hours that the owner may inspect the requested  
20 books and records to the extent those books and records are in the  
21 possession, custody, or control of the association; or

22 (2) if copies of identified books and records are  
23 requested, the association shall, to the extent those books and  
24 records are in the possession, custody, or control of the  
25 association, produce the requested books and records for the  
26 requesting party on or before the 10th business day after the date  
27 the association receives the request, except as otherwise provided

1 by this section.

2 (f) If the property owners' association is unable to produce  
3 the books or records requested under Subsection (e) on or before the  
4 10th business day after the date the association receives the  
5 request, the association must provide to the requestor written  
6 notice that:

7 (1) informs the requestor that the association is  
8 unable to produce the information on or before the 10th business day  
9 after the date the association received the request; and

10 (2) states a date by which the information will be sent  
11 or made available for inspection to the requesting party that is not  
12 later than the 15th business day after the date notice under this  
13 subsection is given.

14 (g) If an inspection is requested or required, the  
15 inspection shall take place at a mutually agreed on time during  
16 normal business hours, and the requesting party shall identify the  
17 books and records for the property owners' association to copy and  
18 forward to the requesting party.

19 (h) A property owners' association may produce books and  
20 records requested under this section in hard copy, electronic, or  
21 other format reasonably available to the association.

22 (i) A property owners' association board must adopt a  
23 records production and copying policy that prescribes the costs the  
24 association will charge for the compilation, production, and  
25 reproduction of information requested under this section. The  
26 prescribed charges may include all reasonable costs of materials,  
27 labor, and overhead but may not exceed costs that would be

1 applicable for an item under T.A.C. Section 70.3. The policy  
2 required by this subsection must be recorded as a dedicatory  
3 instrument in accordance with Section 202.006. An association may  
4 not charge an owner for the compilation, production, or  
5 reproduction of information requested under this section unless the  
6 policy prescribing those costs has been recorded as required by  
7 this subsection. An owner is responsible for costs related to the  
8 compilation, production, and reproduction of the requested  
9 information in the amounts prescribed by the policy adopted under  
10 this subsection. The association may require advance payment of  
11 the estimated costs of compilation, production, and reproduction of  
12 the requested information. If the estimated costs are lesser or  
13 greater than the actual costs, the association shall submit a final  
14 invoice to the owner on or before the 30th business day after the  
15 date the information is delivered. If the final invoice includes  
16 additional amounts due from the owner, the additional amounts, if  
17 not reimbursed to the association before the 30th business day  
18 after the date the invoice is sent to the owner, may be added to the  
19 owner's account as an assessment. If the estimated costs exceeded  
20 the final invoice amount, the owner is entitled to a refund, and the  
21 refund shall be issued to the owner not later than the 30th business  
22 day after the date the invoice is sent to the owner.

23 (j) A property owners' association must estimate costs  
24 under this section using amounts prescribed by the policy adopted  
25 under Subsection (i).

26 (k) Except as provided by Subsection (l) and to the extent  
27 the information is provided in the meeting minutes, the property

owners' association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner of an association, an owner's personal financial information, including records of payment or nonpayment of amounts due the association, an owner's contact information, other than the owner's address, or information related to an employee of the association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual property owner.

(1) The books and records described by Subsection (k) shall be released or made available for inspection if:

(1) the express written approval of the owner whose records are the subject of the request for inspection is provided to the property owners' association; or

(2) a court orders the release of the books and records or orders that the books and records be made available for inspection.

(m) A property owners' association composed of more than 14 lots shall adopt and comply with a document retention policy that includes, at a minimum, the following requirements:

(1) certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and covenants shall be retained permanently;

(2) financial books and records shall be retained for seven years;

(3) account records of current owners shall be retained for five years;

1           (4) contracts with a term of one year or more shall be  
2 retained for four years after the expiration of the contract term;

3           (5) minutes of meetings of the owners and the board  
4 shall be retained for seven years; and

5           (6) tax returns and audit records shall be retained  
6 for seven years.

7           (n) A member of a property owners' association who is denied  
8 access to or copies of association books or records to which the  
9 member is entitled under this section may file a petition with the  
10 justice of the peace of a justice precinct in which all or part of  
11 the property that is governed by the association is located  
12 requesting relief in accordance with this subsection. If the  
13 justice of the peace finds that the member is entitled to access to  
14 or copies of the records, the justice of the peace may grant one or  
15 more of the following remedies:

16           (1) a judgment ordering the property owners'  
17 association to release or allow access to the books or records;

18           (2) a judgment against the property owners'  
19 association for court costs and attorney's fees incurred in  
20 connection with seeking a remedy under this section; or

21           (3) a judgment authorizing the owner or the owner's  
22 assignee to deduct the amounts awarded under Subdivision (2) from  
23 any future regular or special assessments payable to the property  
24 owners' association.

25           (o) If the property owners' association prevails in an  
26 action under Subsection (n), the association is entitled to a  
27 judgment for court costs and attorney's fees incurred by the

1 association in connection with the action.

2 (p) On or before the 10th business day before the date a  
3 person brings an action against a property owners' association  
4 under this section, the person must send written notice to the  
5 association of the person's intent to bring the action. The notice  
6 must:

7 (1) be sent certified mail, return receipt requested,  
8 or delivered by the United States Postal Service with signature  
9 confirmation service to the mailing address of the association or  
10 authorized representative as reflected on the most current  
11 management certificate filed under Section 209.004; and

12 (2) describe with sufficient detail the books and  
13 records being requested.

14 (q) For the purposes of this section, "business day" means a  
15 day other than Saturday, Sunday, or a state or federal holiday.

16 SECTION 3. Chapter 209, Property Code, is amended by adding  
17 Sections 209.0051, 209.0056, 209.0057, 209.0058, 209.0059,  
18 209.00591, 209.00592, and 209.00593 to read as follows:

19 Sec. 209.0051. OPEN BOARD MEETINGS. (a) This section does  
20 not apply to a property owners' association that is subject to  
21 Chapter 551, Government Code, by application of Section 551.0015,  
22 Government Code.

23 (b) In this section:

24 (1) "Board meeting":

25 (A) means a deliberation between a quorum of the  
26 voting board of the property owners' association, or between a  
27 quorum of the voting board and another person, during which



1 property owners' association business is considered and the board  
2 takes formal action; and

3 (B) does not include the gathering of a quorum of  
4 the board at a social function unrelated to the business of the  
5 association or the attendance by a quorum of the board at a  
6 regional, state, or national convention, ceremonial event, or press  
7 conference, if formal action is not taken and any discussion of  
8 association business is incidental to the social function,  
9 convention, ceremonial event, or press conference.

10 (2) "Development period" means a period stated in a  
11 declaration during which a declarant reserves:

12 (A) a right to facilitate the development,  
13 construction, and marketing of the subdivision; and

14 (B) a right to direct the size, shape, and  
15 composition of the subdivision.

16 (c) Regular and special board meetings must be open to  
17 owners, subject to the right of the board to adjourn a board meeting  
18 and reconvene in closed executive session to consider actions  
19 involving personnel, pending or threatened litigation, contract  
20 negotiations, enforcement actions, confidential communications  
21 with the property owners' association's attorney, matters involving  
22 the invasion of privacy of individual owners, or matters that are to  
23 remain confidential by request of the affected parties and  
24 agreement of the board. Following an executive session, any  
25 decision made in the executive session must be summarized orally  
26 and placed in the minutes, in general terms, without breaching the  
27 privacy of individual owners, violating any privilege, or

1 disclosing information that was to remain confidential at the  
2 request of the affected parties. The oral summary must include a  
3 general explanation of expenditures approved in executive session.

4 (c-1) Except for a meeting held by electronic or telephonic  
5 means under Subsection (h), a board meeting must be held in a county  
6 in which all or part of the property in the subdivision is located  
7 or in a county adjacent to that county.

8 (d) The board shall keep a record of each regular or special  
9 board meeting in the form of written minutes of the meeting. The  
10 board shall make meeting records, including approved minutes,  
11 available to a member for inspection and copying on the member's  
12 written request to the property owners' association's managing  
13 agent at the address appearing on the most recently filed  
14 management certificate or, if there is not a managing agent, to the  
15 board.

16 (e) Members shall be given notice of the date, hour, place,  
17 and general subject of a regular or special board meeting,  
18 including a general description of any matter to be brought up for  
19 deliberation in executive session. The notice shall be:

20 (1) mailed to each property owner not later than the  
21 10th day or earlier than the 60th day before the date of the  
22 meeting; or

23 (2) provided at least 72 hours before the start of the  
24 meeting by:

25 (A) posting the notice in a conspicuous manner  
26 reasonably designed to provide notice to property owners'  
27 association members:

1                   (i) in a place located on the association's  
2 common property or, with the property owner's consent, on other  
3 conspicuously located privately owned property within the  
4 subdivision; or

5                   (ii) on any Internet website maintained by  
6 the association or other Internet media; and

7                   (B) sending the notice by e-mail to each owner  
8 who has registered an e-mail address with the association.

9           (f) It is an owner's duty to keep an updated e-mail address  
10 registered with the property owners' association under Subsection  
11 (e)(2)(B).

12           (g) If the board recesses a regular or special board meeting  
13 to continue the following regular business day, the board is not  
14 required to post notice of the continued meeting if the recess is  
15 taken in good faith and not to circumvent this section. If a  
16 regular or special board meeting is continued to the following  
17 regular business day, and on that following day the board continues  
18 the meeting to another day, the board shall give notice of the  
19 continuation in at least one manner prescribed by Subsection  
20 (e)(2)(A) within two hours after adjourning the meeting being  
21 continued.

22           (h) A board may meet by any method of communication,  
23 including electronic and telephonic, without prior notice to owners  
24 under Subsection (e), if each director may hear and be heard by  
25 every other director, or the board may take action by unanimous  
26 written consent to consider routine and administrative matters or a  
27 reasonably unforeseen emergency or urgent necessity that requires

immediate board action. Any action taken without notice to owners under Subsection (e) must be summarized orally, including an explanation of any known actual or estimated expenditures approved at the meeting, and documented in the minutes of the next regular or special board meeting. The board may not, without prior notice to owners under Subsection (e), consider or vote on:

- (1) fines;
- (2) damage assessments;
- (3) initiation of foreclosure actions;
- (4) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;
- (5) increases in assessments;
- (6) levying of special assessments;
- (7) appeals from a denial of architectural control approval; or
- (8) a suspension of a right of a particular owner before the owner has an opportunity to attend a board meeting to present the owner's position, including any defense, on the issue.

(i) This section applies to a meeting of a property owners' association board during the development period only if the meeting is conducted for the purpose of:

- (1) adopting or amending the governing documents, including declarations, bylaws, rules, and regulations of the association;
- (2) increasing the amount of regular assessments of the association or adopting or increasing a special assessment;

1           (3) electing non-developer board members of the  
2 association or establishing a process by which those members are  
3 elected; or

4           (4) changing the voting rights of members of the  
5 association.

6           Sec. 209.0056. NOTICE OF ELECTION OR ASSOCIATION VOTE. (a)  
7 Not later than the 10th day or earlier than the 60th day before the  
8 date of an election or vote, a property owners' association shall  
9 give written notice of the election or vote to:

10           (1) each owner of property in the property owners'  
11 association, for purposes of an association-wide election or vote;  
12 or

13           (2) each owner of property in the property owners'  
14 association entitled under the dedicatory instruments to vote in a  
15 particular representative election, for purposes of a vote that  
16 involves election of representatives of the association who are  
17 vested under the dedicatory instruments of the property owners'  
18 association with the authority to elect or appoint board members of  
19 the property owners' association.

20           (b) This section supersedes any contrary requirement in a  
21 dedicatory instrument.

22           (c) This section does not apply to a property owners'  
23 association that is subject to Chapter 552, Government Code, by  
24 application of Section 552.0036, Government Code.

25           Sec. 209.0057. RECOUNT OF VOTES. (a) This section does  
26 not apply to a property owners' association that is subject to  
27 Chapter 552, Government Code, by application of Section 552.0036,

1 Government Code.

2 (b) Any owner may, not later than the 15th day after the date  
3 of the meeting at which the election was held, require a recount of  
4 the votes. A demand for a recount must be submitted in writing  
5 either:

6 (1) by certified mail, return receipt requested, or by  
7 delivery by the United States Postal Service with signature  
8 confirmation service to the property owners' association's mailing  
9 address as reflected on the latest management certificate filed  
10 under Section 209.004; or

11 (2) in person to the property owners' association's  
12 managing agent as reflected on the latest management certificate  
13 filed under Section 209.004 or to the address to which absentee and  
14 proxy ballots are mailed.

15 (c) The property owners' association shall, at the expense  
16 of the owner requesting the recount, retain for the purpose of  
17 performing the recount, the services of a person qualified to  
18 tabulate votes under this subsection. The association shall enter  
19 into a contract for the services of a person who:

20 (1) is not a member of the association or related to a  
21 member of the association board within the third degree by  
22 consanguinity or affinity, as determined under Chapter 573,  
23 Government Code; and

24 (2) is:

25 (A) a current or former:

26 (i) county judge;

27 (ii) county elections administrator;

1                    (iii) justice of the peace; or

2                    (iv) county voter registrar; or

3                    (B) a person agreed on by the association and the  
4 persons requesting the recount.

5                    (d) Any recount under Subsection (b) must be performed on or  
6 before the 30th day after the date of receipt of a request and  
7 payment for a recount in accordance with Subsections (b) and (c).  
8 If the recount changes the results of the election, the property  
9 owners' association shall reimburse the requesting owner for the  
10 cost of the recount. The property owners' association shall  
11 provide the results of the recount to each owner who requested the  
12 recount. Any action taken by the board in the period between the  
13 initial election vote tally and the completion of the recount is not  
14 affected by any recount.

15                    Sec. 209.0058. BALLOTS. (a) Any vote cast in an election  
16 or vote by a member of a property owners' association must be in  
17 writing and signed by the member.

18                    (b) Electronic votes cast under Section 209.00592  
19 constitute written and signed ballots.

20                    (c) In an association-wide election, written and signed  
21 ballots are not required for uncontested races.

22                    Sec. 209.0059. RIGHT TO VOTE. (a) A provision in a  
23 dedicatory instrument that would disqualify a property owner from  
24 voting in a property owners' association election of board members  
25 or on any matter concerning the rights or responsibilities of the  
26 owner is void.

27                    (b) This section does not apply to a property owners'

1 association that is subject to Chapter 552, Government Code, by  
2 application of Section 552.0036, Government Code.

3 Sec. 209.00591. BOARD MEMBERSHIP. (a) Except as provided  
4 by this section, a provision in a dedicatory instrument that  
5 restricts a property owner's right to run for a position on the  
6 board of the property owners' association is void.

7 (b) If a board is presented with written, documented  
8 evidence from a database or other record maintained by a  
9 governmental law enforcement authority that a board member has been  
10 convicted of a felony or crime involving moral turpitude, the board  
11 member is immediately ineligible to serve on the board of the  
12 property owners' association, automatically considered removed  
13 from the board, and prohibited from future service on the board.

14 (c) The declaration may provide for a period of declarant  
15 control of the association during which a declarant, or persons  
16 designated by the declarant, may appoint and remove board members  
17 and the officers of the association, other than board members or  
18 officers elected by members of the property owners' association.  
19 Regardless of the period of declarant control provided by the  
20 declaration, on or before the 120th day after the date 75 percent of  
21 the lots that may be created and made subject to the declaration are  
22 conveyed to owners other than a declarant, at least one-third of the  
23 board members must be elected by owners other than the declarant.  
24 If the declaration does not include the number of lots that may be  
25 created and made subject to the declaration, at least one-third of  
26 the board members must be elected by owners other than the declarant  
27 not later than the 10th anniversary of the date the declaration was



1 recorded.

2 Sec. 209.00592. VOTING; QUORUM. (a) The voting rights of  
3 an owner may be cast or given:

4 (1) in person or by proxy at a meeting of the property  
5 owners' association;

6 (2) by absentee ballot in accordance with this  
7 section;

8 (3) by electronic ballot in accordance with this  
9 section; or

10 (4) by any method of representative or delegated  
11 voting provided by a dedicatory instrument.

12 (b) An absentee or electronic ballot:

13 (1) may be counted as an owner present and voting for  
14 the purpose of establishing a quorum only for items appearing on the  
15 ballot;

16 (2) may not be counted, even if properly delivered, if  
17 the owner attends any meeting to vote in person, so that any vote  
18 cast at a meeting by a property owner supersedes any vote submitted  
19 by absentee or electronic ballot previously submitted for that  
20 proposal; and

21 (3) may not be counted on the final vote of a proposal  
22 if the motion was amended at the meeting to be different from the  
23 exact language on the absentee or electronic ballot.

24 (c) A solicitation for votes by absentee ballot must  
25 include:

26 (1) an absentee ballot that contains each proposed  
27 action and provides an opportunity to vote for or against each

1 proposed action;

2 (2) instructions for delivery of the completed  
3 absentee ballot, including the delivery location; and

4 (3) the following language: "By casting your vote via  
5 absentee ballot you will forgo the opportunity to consider and vote  
6 on any action from the floor on these proposals, if a meeting is  
7 held. This means that if there are amendments to these proposals  
8 your votes will not be counted on the final vote on these measures.  
9 If you desire to retain this ability, please attend any meeting in  
10 person. You may submit an absentee ballot and later choose to  
11 attend any meeting in person, in which case any in-person vote will  
12 prevail."

13 (d) For the purposes of this section, "electronic ballot"  
14 means a ballot:

15 (1) given by:

16 (A) e-mail;

17 (B) facsimile; or

18 (C) posting on an Internet website;

19 (2) for which the identity of the property owner  
20 submitting the ballot can be confirmed; and

21 (3) for which the property owner may receive a receipt  
22 of the electronic transmission and receipt of the owner's ballot.

23 (e) If an electronic ballot is posted on an Internet  
24 website, a notice of the posting shall be sent to each owner that  
25 contains instructions on obtaining access to the posting on the  
26 website.

27 (f) This section supersedes any contrary provision in a

1 dedicatory instrument.

2 (g) This section does not apply to a property owners'  
3 association that is subject to Chapter 552, Government Code, by  
4 application of Section 552.0036, Government Code.

5 Sec. 209.00593. ELECTION OF BOARD MEMBERS.

6 (a) Notwithstanding any provision in a dedicatory instrument, any  
7 board member whose term has expired must be elected by owners who  
8 are members of the property owners' association. A board member may  
9 be appointed by the board only to fill a vacancy caused by a  
10 resignation, death, or disability. A board member appointed to  
11 fill a vacant position shall serve the unexpired term of the  
12 predecessor board member.

13 (b) The board of a property owners' association may amend  
14 the bylaws of the property owners' association to provide for  
15 elections to be held as required by Subsection (a).

16 (c) The appointment of a board member in violation of this  
17 section is void.

18 (d) This section does not apply to the appointment of a  
19 board member during a development period. In this subsection,  
20 "development period" means a period stated in a declaration during  
21 which a declarant reserves:

22 (1) a right to facilitate the development,  
23 construction, and marketing of the subdivision; and

24 (2) a right to direct the size, shape, and composition  
25 of the subdivision.

26 (e) This section does not apply to a representative board  
27 whose members or delegates are elected or appointed by

1 representatives of a property owners' association who are elected  
2 by owner members of a property owners' association.

3 SECTION 4. Section 209.009, Property Code, is amended to  
4 read as follows:

5 Sec. 209.009. FORECLOSURE SALE PROHIBITED IN CERTAIN  
6 CIRCUMSTANCES. A property owners' association may not foreclose a  
7 property owners' association's assessment lien if the debt securing  
8 the lien consists solely of:

9 (1) fines assessed by the association; ~~[or]~~

10 (2) attorney's fees incurred by the association solely  
11 associated with fines assessed by the association; or

12 (3) amounts added to the owner's account as an  
13 assessment under Section 209.005(i).

14 SECTION 5. Chapter 209, Property Code, is amended by adding  
15 Section 209.014 to read as follows:

16 Sec. 209.014. MANDATORY ELECTION REQUIRED AFTER FAILURE TO  
17 CALL REGULAR MEETING. (a) Notwithstanding any provision in a  
18 dedicatory instrument, a board of a property owners' association  
19 shall call an annual meeting of the members of the association.

20 (b) If a board of a property owners' association does not  
21 call an annual meeting of the association members, an owner may  
22 demand that a meeting of the association members be called not later  
23 than the 30th day after the date of the owner's demand. The owner's  
24 demand must be made in writing and sent by certified mail, return  
25 receipt requested, to the registered agent of the property owners'  
26 association and to the association at the address for the  
27 association according to the most recently filed management

1 certificate. A copy of the notice must be sent to each property  
2 owner who is a member of the association.

3 (c) If the board does not call a meeting of the members of  
4 the property owners' association on or before the 30th day after the  
5 date of a demand under Subsection (b), three or more owners may form  
6 an election committee. The election committee shall file written  
7 notice of the committee's formation with the county clerk of each  
8 county in which the subdivision is located.

9 (d) A notice filed by an election committee must contain:

10 (1) a statement that an election committee has been  
11 formed to call a meeting of owners who are members of the property  
12 owners' association for the sole purpose of electing board members;

13 (2) the name and residential address of each committee  
14 member; and

15 (3) the name of the subdivision over which the  
16 property owners' association has jurisdiction under a dedicatory  
17 instrument.

18 (e) Each committee member must sign and acknowledge the  
19 notice before a notary or other official authorized to take  
20 acknowledgments.

21 (f) The county clerk shall enter on the notice the date the  
22 notice is filed and record the notice in the county's real property  
23 records.

24 (g) Only one committee in a subdivision may operate under  
25 this section at one time. If more than one committee in a  
26 subdivision files a notice, the first committee that files a  
27 notice, after having complied with all other requirements of this

1 section, is the committee with the power to act under this section.  
2 A committee that does not hold or conduct a successful election  
3 within four months after the date the notice is filed with the  
4 county clerk is dissolved by operation of law. An election held or  
5 conducted by a dissolved committee is ineffective for any purpose  
6 under this section.

7       (h) The election committee may call meetings of the owners  
8 who are members of the property owners' association for the sole  
9 purpose of electing board members. Notice, quorum, and voting  
10 provisions contained in the bylaws of the property owners'  
11 association apply to any meeting called by the election committee.

12       SECTION 6. (a) Section 209.005, Property Code, as amended  
13 by this Act, applies only to a request for information received by a  
14 property owners' association on or after the effective date of this  
15 Act. A request for information received by a property owners'  
16 association before the effective date of this Act is governed by the  
17 law in effect immediately before the effective date of this Act, and  
18 that law is continued in effect for that purpose.

19       (b) Subsection (m), Section 209.005, Property Code, as  
20 added by this Act, applies only with respect to books and records  
21 generated on or after the effective date of this Act. Books and  
22 records generated before the effective date of this Act are  
23 governed by the law in effect immediately before the effective date  
24 of this Act, and that law is continued in effect for that purpose.

25       (c) Section 209.0059 and Subsection (a), Section 209.00591,  
26 Property Code, as added by this Act, apply to a provision in a  
27 dedicatory instrument or a restrictive covenant enacted before, on,

1 or after the effective date of this Act.

2 (d) Section 209.014, Property Code, as added by this Act,  
3 applies to a property owners' association created before, on, or  
4 after the effective date of this Act.

5 SECTION 7. This Act takes effect January 1, 2012.

H.B. No. 2761

David Newkirk

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 2761 was passed by the House on May 4, 2011, by the following vote: Yeas 137, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2761 on May 26, 2011, by the following vote: Yeas 122, Nays 16, 1 present, not voting.

Robert Hanes

Chief Clerk of the House

I certify that H.B. No. 2761 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 30, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4pm O'CLOCK

JUN 17 2011

John R. McDevitt

Secretary of State